

## Executive Summary

She arrived at New Mexico Women's Correctional Facility (NMWCF) to serve 132 days in prison. For reasons that were never explained, her file was held at Offender Management Services (OMS) for five months before being sent to the NMWCF. As a result, she was not able to begin planning for parole until more than two weeks *after* the date she should have been released on parole. She was not actually released from NMWCF until she completed her parole period in prison and was discharged with no supportive services. Her sentence was fully served in 132 days, but she spent 184 days in prison *after* she should have been released on parole.

Since 2007, hundreds of New Mexicans have languished in prison after serving their time, simply because their release on parole was delayed.<sup>1</sup> In Fiscal Year 2014, the Legislative Finance Committee (LFC) estimated there were 290 inmates whose release on parole was delayed, at a cost to the state of \$10.3 million dollars.<sup>2</sup> The New Mexico Corrections Department (Corrections Department or the Department) reported to the LFC that 78.2% of female offenders “were successfully released in accordance with their scheduled release dates.”<sup>3</sup>

In FY 2014, the only prison for women was New Mexico Women's Correctional Facility (NMWCF), a private, for-profit prison owned by Corrections Corporation of America (CCA). CCA's pay was based on a set amount for each woman for each day she was in prison, whether she was serving her prison sentence or was on in-house parole.

This report is based on a review of records obtained from the New Mexico Corrections Department and the New Mexico Adult Parole Board pursuant to the Inspection of Public Records Act. Attention was focused on the release of women on parole during Fiscal Year (FY) 2014, which began July 1, 2013, and ran through June 30, 2014.

This study found that in FY 2014, 438 women were released on parole. Only 207 of them, or 47.2%, were released on the date their parole began. The other 231, or 52.7%, spent additional time in prison on what has been referred to as “in-house parole” (IHP). These women are referred to as “the IHP women.” Collectively, those women spent an additional 28,982 days in prison, an average of 130 days, or slightly more than four months. Assuming an average cost of \$100 per day per woman, the estimated cost to the state was \$2,898,200.00. In light of this, it seems likely that the overall number of inmates serving In-House Parole is much greater than previously believed.

Demographically, roughly seventy-five percent of them were women of color. Many of them were convicted of more than one offense. This study focused on the type of offenses committed by these women. Considering all the offenses, drug and alcohol offenses accounted for 35% of the total, property crimes were second with 30%, and violent crimes accounted for 21.4% of the offenses. The rest were public order violations or other, miscellaneous violations. While only a

few women were classified as suffering from a serious mental illness, it is well known that 70% of the women at NMWCF are on psychotropic drugs.

The Corrections Department's written policy requires that parole planning begin 210 days before the end of the prison term.<sup>4</sup> During FY 2014, only 3.6% of the IHP women began parole planning "on time." The Department's timeline anticipates that the New Mexico Adult Parole Board (Parole Board) will approve the offender's parole plan at least 90 days before the end of the prison term. Only 11.1% of the IHP women had a timely parole hearing by that standard. In fact, more than half of the IHP women had their first parole hearing while they were already on in-house parole. For some women, a second hearing was necessary before their parole plan was approved.

The sad truth is that incarceration does not deter many offenders from criminal activity after prison. New Mexico's three year recidivism rate was 47% for FY 2014.<sup>5</sup> For the women released in calendar year 2009, the four year recidivism rate was 67%.<sup>6</sup> Those who committed drug crimes had the highest rate of recidivism.<sup>7</sup>

If the Legislature wants to reduce the recidivism of women, it might want to examine the possibility of treating addiction and mental illness as public health issues, so that women suffering from one or both these conditions are not

constantly in and out of the jails and prisons of New Mexico. Prisons should be for violent offenders, not for those in need of treatment and supportive services.

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<sup>1</sup> Report to the Legislative Finance Committee, "Parole Board, Review of Management and Video Conferencing Readiness," May 23, 2007 at 1-2. Hereafter, "LFC Parole Board 2007."

<sup>2</sup> Legislative Finance Committee, Agency Performance Report Card, New Mexico Corrections Department, FY 2014, Fourth Quarter, at 1. Hereafter, LFC Report Card.

<sup>3</sup> Id., at 2

<sup>4</sup> New Mexico Corrections Department, Re-entry Planning CD 083001, Revised December 29, 2010, pages 14-19.

<sup>5</sup> "LFC Report Card."

<sup>6</sup> Kristine Denman, Prison Program Utilization and Recidivism among Female Inmates in New Mexico, Executive Summary, New Mexico Statistical Analysis Center, April 2015 at 4.

<sup>7</sup> Id. at 5.